

AMENDED IN ASSEMBLY APRIL 21, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1611

Introduced by Assembly Member Levine
(Coauthor: Senator Soto)

February 21, 2003

An act to add ~~Sections 22754.3 and~~ *Section 22811.6* to the Government Code, relating to public employee health benefits, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1611, as amended, Levine. Public employee health benefits: retirees.

Under the Public Employees' Medical and Hospital Care Act, annuitants may enroll in a health benefits plan and the cost of that enrollment is paid by the annuitant and his or her former employer. Existing law defines ~~“annuitants”~~ *“annuitant”* for this purpose as, among others, a person who receives a retirement allowance from a state or University of California retirement system or from a retirement system of a contracting agency, as defined. Contributions paid *by* annuitants and employers are deposited into one of two continuously appropriated funds.

This bill would authorize a person who reinstates from retirement from one of those retirement systems to enroll in a health benefits plan, following his or her subsequent retirement *on or after January 1, 2004*, as an annuitant of the employer from which he or she first retired, except as specified. By expanding enrollment eligibility, the bill would

increase contributions to continuously appropriated funds and, thereby, make an appropriation.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 22754.3 is added to the Government~~
2 ~~Code, to read:~~

3 ~~22754.3. As used in this part, “annuitant” also means any~~
4 ~~person who retires from a retirement system described in~~
5 ~~subdivision (f) of Section 22754 following reinstatement from~~
6 ~~retirement as described in Section 22811.6.~~

7 ~~SEC. 2.~~

8 ~~SECTION 1.~~ Section 22811.6 is added to the Government
9 ~~Code, to read:~~

10 ~~22811.6. (a) A person who is enrolled as an annuitant~~
11 ~~following his or her retirement and who reinstates from retirement~~
12 ~~shall, upon his or her subsequent retirement, be eligible to enroll~~

13 ~~22811.6. (a) An annuitant who reinstates from retirement~~
14 ~~pursuant to Article 7 (commencing with Section 21190) of Chapter~~
15 ~~12 of Part 3 may, upon his or her subsequent retirement, if that~~
16 ~~retirement occurs within 120 days after separation from~~
17 ~~employment or as otherwise provided in Section 22825.5, if~~
18 ~~applicable, enroll as an annuitant of the employer from which he~~
19 ~~or she first retired.~~

20 ~~(b) This section shall apply irrespective of whether the person~~
21 ~~is enrolled as an employee during his or her reinstatement from~~
22 ~~retirement. However, this section does not apply, and the employer~~
23 ~~from which the person first retired shall have no liability under this~~
24 ~~section, if the person is eligible to enroll as an annuitant of another~~
25 ~~employer following his or her subsequent retirement.~~

26 ~~(c) Notwithstanding the foregoing, if the reinstated annuitant is~~
27 ~~eligible for a postretirement health benefit contribution from the~~
28 ~~employer from which he or she subsequently retires, and if that~~
29 ~~contribution is greater than any postretirement health benefit~~
30 ~~contribution payable by the employer from which the annuitant~~
31 ~~first retired, the postretirement health benefit contribution shall be~~
32 ~~paid by the employer from which the annuitant subsequently retires~~

1 *in lieu of any contribution otherwise payable by the employer from*
2 *which the annuitant first retired.*

3 (b) An annuitant who is eligible to enroll pursuant to this
4 section may enroll within 60 days after his or her subsequent
5 retirement or during any future open enrollment period, as
6 provided by regulation of the board, without discrimination as to
7 premium rates or benefits coverage. ~~If the annuitant was enrolled~~
8 ~~as an employee during his or her reinstatement from retirement, he~~
9 ~~or she may enroll in the same plan under which he or she was~~
10 ~~covered as an employee, in a manner that will continue coverage.~~

11 (c) *This section shall only apply to an annuitant who, after*
12 *reinstatement, subsequently retires on or after January 1, 2004.*

